

THE SECRETARY OF STATE  
WASHINGTON

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Dear Bill:

As you will recall, the NSPD requested the opinion of the Attorney General as to the legality of a sensitive intelligence collection activity which would involve the transfer [REDACTED]

[REDACTED] The objective of this transfer would be the acquisition [REDACTED]

The Attorney General, after preliminary inquiry, has referred to the Department of State the question of whether the special body of legislation generally governing international arms transfer would preclude the transfer [REDACTED] which is believed to be an essential precondition to the acquisition [REDACTED]. This Department's Legal Adviser, in consultation with the Justice Department's Counsel for Intelligence Policy and the General Counsels of CIA and DOD, has provided to me the enclosed memorandum of law. In that memorandum, the Legal Adviser concludes that the arms transfer laws do not constitute exclusive authorities, although it is not clear that a transaction of this magnitude was intended to be permitted outside the normal framework of substantive and procedural requirements of the arms export control laws. In the absence of any applicable express prohibition, the Legal Adviser believes that the President has the discretionary authority to approve this proposal as an integral part of an authorized intelligence collection activity.

At the same time, the enclosed memorandum points out certain legal risks, including the possibilities of new

The Honorable  
William J. Casey,  
Director,  
Central Intelligence Agency.

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restrictive legislation [REDACTED]

[REDACTED] These risks were not considered by the NSPG and while not legally compelling, would appear to merit its consideration.

Sincerely,

Alexander M. Haig, Jr.

Enclosure:

Memorandum of Law

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